

SOIL CONSERVATION AND WATER QUALITY DIVISION[27]

Notice of Intended Action

Proposing rule making related to water quality initiative and providing an opportunity for public comment

The Soil Conservation and Water Quality Division hereby proposes to amend Chapter 16, “Water Quality Initiative,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 161A.7(3).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2018 Iowa Acts, Senate File 512, sections 23 and 24.

Purpose and Summary

The proposed amendments update rules for the Water Quality Initiative to reflect changes made in 2018 Iowa Acts, Senate File 512, by adding new eligible practices. The proposed amendments identify the applicable standards for urban infrastructure program projects. Additionally, the 50 percent cost-share limitation would not apply to edge-of-field practices and land use changes. Some technical updates are also made.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, a positive impact on jobs has been found. While the majority of the impact comes from the legislation, the rules provide clarity and for ease of implementation of practices.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 27—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Division no later than 4:30 p.m. on July 10, 2018. Comments should be directed to:

Margaret Thomson
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Email: margaret.thomson@iowaagriculture.org

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind the definition of “Eligible cost-share applicants” in rule **27—16.2(161A)**.

ITEM 2. Amend rule **27—16.2(161A)**, definitions of “Funds” and “Nutrient reduction strategy,” as follows:

“*Funds*” include the water quality initiative fund in Iowa Code section 466B.45, include the water quality infrastructure fund in 2018 Iowa Acts, Senate File 512, sections 23 and 24, and may include other moneys appropriated to the department ~~from the environment first fund created in Iowa Code section 8.57A for cost sharing to match federal funds~~ or other nongovernmental funds.

“*Nutrient reduction strategy*” means the document created and updated by the department, the department of natural resources, and Iowa State University of Science and Technology ~~dated May 29, 2013~~ in order to assess and reduce nutrients in watersheds.

ITEM 3. Amend rule 27—16.3(161A) as follows:

27—16.3(161A,466B) Cost share. ~~The~~ Except for edge-of-field practices and land use changes, the division’s share of the practice cost shall not exceed the lesser of 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of the practice.

ITEM 4. Amend rule 27—16.4(161A) as follows:

27—16.4(161A,466B) Eligible practices. Only practices ~~applied to agricultural crop and pasture land~~ whose ~~primary function is to improve~~ improves water quality will be eligible for funds. These practices are identified in the nutrient reduction strategy or by the division. Practices shall meet applicable Natural Resources Conservation Service conservation standards and specifications or applicable standards and specifications set out by the department. Urban infrastructure program projects shall meet the applicable standards in the Iowa storm water management manual published by the department of natural resources. Permanent practices eligible for funding include but are not limited to wetlands, bioreactors, ~~and~~ buffers, structures, land use changes, terraces, waterways and managed drainage systems. Management practices eligible for funding include but are not limited to cover crops and living mulches. Application may be made to the division for cost-share funding for individual cost-share practices or for ~~targeted watershed demonstration~~ projects.

ITEM 5. Amend **27—Chapter 16**, implementation sentence, as follows:

These rules are intended to implement ~~2013~~ 2018 Iowa Acts, ~~House File 648, section 20, and Senate File 435, sections 8 and 10 and Iowa Code sections 466B.42 and 466B.45~~ Senate File 512.